

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Frontier Aluminum
1990 Railroad Street
Corona, California 92880

ID No. CAR 000 077 388

Respondent.

Docket HWCA 20061103

STIPULATION AND ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Frontier Aluminum (Respondent) enter into this Stipulation and Order (Order) and agree as follows:

1. A dispute exists regarding the Enforcement Order issued by the Department on July 20, 2006. (Attached as Exhibit 1.)
2. The parties wish to avoid the expense of further litigation and to ensure prompt action to achieve the Schedule for Compliance below.
3. Jurisdiction exists pursuant to Health and Safety Code section 25187.
4. Respondent waives any right to a hearing in this matter.
5. This Order shall constitute full settlement of the violations alleged in the Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other violations.
6. Respondent admits the allegations made in the enforcement order.

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SCHEDULE FOR COMPLIANCE

7. The violations have been corrected.

PAYMENTS

8.1. Within 30 days of the effective date of this Order, Respondent shall pay the Department a total of \$14,500.

8.2. Notwithstanding paragraph 8.1, payment in the amount of \$9,500 is due within 30 days from the effective date of this Order if the Respondent exercises the option set out in paragraph 8.4. If Respondent does not exercise the option under paragraph 8.4, the total amount of \$14,500 is due.

8.3. Respondent's check shall be made payable to the Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent:

To: Mr. Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

To: Mr. James Grace, Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

8.4. The penalty shall be reduced by \$5,000 if, and only if, Respondent sends at least two employees, one being a Supervisor, to the California

Compliance School, Modules I – IV, and submits to the Department, within 180 days of the effective date of this Order, Certificates of Satisfactory Completion thereof.

8.5. In the event that the above Certificates of Satisfactory Completion are not all received by the Department within 180 days of the effective date of this Order, the entire remaining balance of \$5,000 shall then become due and payable.

8.6. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

9.1. Additional Enforcement Actions: By agreeing to this Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Order.

9.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

9.3 Parties Bound: This Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

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9.4. Effective Date: The effective date of this Order is the date it is signed by the Department.

9.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

Dated: August 8, 2006

Original signed by Charles Wolfe
Mr. Charles Wolfe, General Manager
Respondent

Dated: August 10, 2006

Original signed by Sangat Kals
Mr. Sangat Kals, Ph.D., Section Chief
State Oversight and Enforcement Branch
Department of Toxic Substances Control